



December 2, 2021

VIA ECF AND ELECTRONIC MAIL

Honorable Gary Brown
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: *United States v. John Drago*
18-CR-394 (S-1)

Dear Judge Brown:

The defendant, John Drago, by counsel, submits this letter, seeking 1) approval of a modification in the process of securing Mr. Drago's bond and 2) a continuance of the sentencing proceedings so that the Probation Report can be completed appropriately and in a timely matter and so Mr. Drago may complete the sale of a home. As to both requests, we have discussed this matter with the Government, and they have no objection to either request.

As to the first request, the Court recently permitted the substitution of property securing Mr. Drago's bond. This resulted in a home that is held in a trust for Mr. Drago's mother's benefit is to be used to secure the bond. Consistent with this bond modification, Mr. Drago's mother executed a confession of judgment which has been filed in the appropriate County Clerk's Office. The Government had requested that Mr. Drago as trustee of the trust, also sign a confession of judgment and file same. Because Mr. Drago is in the process of selling a different home (to pay, in part, his financial obligations under the terms of his plea agreement) we asked the Government if we could delay filing the confession of judgment until after the sale of the home closes to avoid any possible complications in the sale. In the meantime, the Government will provide the defense with a satisfaction of judgment for the property that was previously posted as bond. As such, the defense requests that Mr. Drago be permitted to delay the filing of the confession of judgment until the above-mentioned home is sold, and further, that the government be permitted to issue the satisfaction of judgment to the defense in the interim.

As to the second request, we have become aware that certain financial forms that Mr. Drago is required to prepare for the Probation Department were inadvertently delayed in their delivery to him. Because of Mr. Drago's complicated financial situation, the financial forms will require time to complete and time so that counsel may review such documents with Mr. Drago before submission to the Probation Department. In addition, Mr. Drago is selling a home as part

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of his effort to raise sufficient funds to pay the forfeiture judgment and other amounts due prior to sentencing. As a result, we are requesting an adjournment to any date on or after April 22. This will allow Mr. Drago to complete the sale of his property and to allow Mr. Drago to provide all the information required by Probation to complete the presentence investigation report.

Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony Capozzolo', with a stylized flourish extending to the right.

Anthony M. Capozzolo
(212) 897-1970